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MSHA/OSRV



NYS BLUESTONE ASSOCIATION
225 Old Route 10
Deposit, NY 13754

October 24, 2006

MSHA
Office of Standards, Regulations and Variances
1100 Wilson Blvd. Room 2350
Arlington, VA 22209-3939

RE: MSHA Penalty Changes

Our letter is to comment on the proposed changes of the new Miner Act. These comments are the opinion of the New York State Bluestone Association that represents quarrymen, wholesalers, and stone dealers in south central New York State.

Although a point based system could be fair, we feel that there are concerns that the rates of penalty will directly affect small business owners within the bluestone industry, and therefore directly affect the local economy of south central New York State.

The New York Bluestone Association feels that:

- The proposed change that would involve the operation to have only 24 hours to correct and given violation would create an atmosphere of compliance rather than protest of MSHA upon their visits.
- Our above ground open pits are covered under the same rules and regulations of more dangerous mine operations. We wish the department would consider a separate division of rules and regulations for above ground dimensional quarries in south central New York State.
- Current penalties on 504(D)(1) citations are reasonable. However, the proposed increase of 3,600 percent is unreasonable.

The NYSBA believes that along with risings costs in all other facets of daily operations, both fixed and variable, the proposed changes by MSHA will greatly affect quarry workers and our bluestone industry. The New York State bluestone industry has one of the best safety records in mining; so, why are we being punished for this record. We regret any loss of life in the mining industry nationally. We believe our comments and concerns should be considered throughout any process or change by MSHA.

Harry S. Triebe, Sr., President, New York State Bluestone Association

Mitchell L. Bush
SECRETARY
NEW YORK BLUESTONE ASSOCIATION

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